IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 748 OF 2006
IN
WRIT PETITION NO. 4972 OF 2005

Manikrao Sakharam Wankhede ..Applicant

versus

Gadge Maharaj Mission & Ors. ..Respondents

Shri A. M. Joshi for the Respondent No.1.

Shri S. V. Pitre h/f. M. P. Thakur, AGP for the Respondent Nos. 2 and 3.

CORAM : R.M.S. KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATE : 30TH AUGUST, 2006

P.C. :

1. Heard.

2. It is the contention of the Applicant that since the Respondent Nos. 3 and 4 are not served, and the Petition is not being taken up for hearing on admission and on the issue of confirmation or vacation of the interim relief and consequently the applicant is suffering on account of ad interim relief granted in the matter. On the other hand, the learned Advocate for the petitioner states that

the matter is already under settlement between the parties outside the Court and the Writ Petition itself can be listed for admission.

3. As far as Writ Petition to be listed for hearing on admission, we find no difficulty in accepting the said request as the service on all the Respondents except the Respondent Nos. 3 and 4 is already complete and therefore there can be no difficulty for listing the matter for hearing on admission. As far as the Respondent Nos. 3 and 4 are concerned, the matter already stands dismissed in terms of the Order dated 17.2.2006 by this Court. Since the matter is ripe for hearing on admission and on the issue of confirmation or vacation of the ad interim relief, the question of entertaining the present Application does not arise. Application is therefore dismissed while directing the Registry to list the Writ Petition No. 4972 of 2005 for hearing on admission and ad interim relief on 12.9.2006.

(R.M.S. KHANDEPARKAR, J.)

(NARESH H. PATIL, J.)